IN THE HIGH COURT OF UTTARTANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 4th day of August 2005
Criminal Misc. Bail Application No. 681/2005
Order on the bail application of the accused.

CRIMINAL SIDE

Sanju S/o Shri Sadhu Ram
R/o village Mohammadpur Bujurg
P.S. Laksar
District Haridwar
District U. S. Nagar ….Applicant.

Versus

State of Uttaranchal ….Opposite Party

Arising out of crime No. 53 of 2005
U/S 363, 366-A, 376 I.P.C.
P.S. Gangnaher Roorkee
District – Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Rajendra Singh learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. According the prosecution version, on 7.4.2005 the prosecutirix went to the house of her sister at Roorkee from where the applicant took her and she was subjected to rape. On 18.4.2005 the prosecutrix was recovered from the Railway Station. The learned counsel for the applicant contended that the date of birth of the prosecutrix is 6.7.1988 and as such she was more than 16 years at the time of incident. The statement of the prosecutrix under section 161 Cr.P.C. was recorded on 20.4.2005 and statement recorded under section 164 was recorded on 21.4.2005. The learned counsel for the applicant further contended that the prosecutrix was the consenting party. Considering the facts, totality and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated: 04-08-2005
LSR